

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING

Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 22 6:30 p.m. 20 05

CALL TO ORDER:

The public hearing was called to order Monday, August 22, 2005 at 6:30 p.m. by President of Council Jon Snyder.

The following members of Council were present for the public hearing: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder. Also present were: Mayor Rice, Director of Administration Miller, Director of Law Pusateri, Director of Finance Herr and City Engineer Benekos.

Notice is hereby given that a public hearing will be held by the Council of the City of North Canton on Monday, August 22, 2005 at 6:30 p.m. in the Council Chamber at North Canton City Hall.

A request for an amendment to the North Canton Zoning Ordinance was submitted requesting a zone change for the premises on Applegrove Street, NW known as being part of Out Lot 200 and house number 500. The premises is presently zoned R2-F, Residential Two-Family and it is requested that the premises be rezoned to GB-A, General Business A district.

Final action thereon, according to law, will be taken by the Council of the City of North Canton subsequent to the date of said public hearing.

Mr. Snyder: Pursuant to the request of the gentleman who is requesting, is an agent for the property owner, we are holding this public hearing. It came on for a hearing at the Planning Commission and was sent back with a 4-0 or 4-1 recommendation to deny the said request. And it's now been set for public hearing before this Council pursuant to our Zoning Ordinance. Chairman Kiesling?

Mrs. Kiesling: Yes, actually I'd like to start off, Jim can you show us exactly what we're talking about?

Mr. Benekos (*Speaking from Audience*): The parcel, I don't know if you can see it that well, this is Applegrove Street here, right there. The parcel being requested is right there.

Mrs. Kiesling: And it's requested to be changed from R-2F to GB-A, General Business.

Mr. Benekos: Well, ...inaudible...zoning map...

Mr. Lindower: That's west of Evergreen Trailer Park, right?

Mrs. Kiesling: Yes. You can see the trailer park right there.

Mr. Benekos: Inaudible...this portion out to this line is R-2F. From here over, this is R-70. This one lot of the request is R-70. So this portion is R-2F and this is R-70.

Mrs. Kiesling: And what borders it? You got R-70 on the west...

Mr. Benekos: Yea, this is R-70 over here. This is R-2F and then, let's see, this is R-2F. Everything in here is R-2F.

Mrs. Kiesling: And the trailer park is GB-A.

Mr. Benekos: From this line in here, this purple area in here is GB-A.

Mrs. Kiesling: Alright.

Mr. Snyder: There's a structure on that subject property right now? An old home. It's just flat.

Mr. Benekos: Yea. This structure is. I believe ...inaudible...was talking about ...inaudible...another parcel perhaps? And that one does have...

Mr. Snyder: Although, doesn't that said parcel have, has a numbered, that lot has, has an actual street address, does it not? The one that we're talking about?

Mrs. Kiesling: There's 500 and part of Out Lot 200. So house number 500, where is that? Or lot number 500. Yea, there must be...

Mr. Snyder: Well it has to have a structure if it has a number. Or it had a structure and it was taken away.

Mr. Benekos: Possibly.

Mr. Snyder: The majority of 200 is a vacant, is fallow land. But if it has a house number it must have a structure on it.

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Mr. Benekos: This parcel right here is 500.

Mrs. Kiesling: So there is a home on it. Inaudible...

Mr. Foltz: That's not part of that, is it Jim?

Mr. Snyder: Yea.

Mr. Sarbach: It's potentially part of it, right?

Mr. Foltz: It's east of it.

Mr. Peters: Yea, it's potentially part of it.

Mr. Foltz: There's nothing on there but wood.

Mrs. Kiesling: It's part of Out Lot 200 and house number 500.

Mr. Benekos: What was submitted does not include that parcel.

Mrs. Kiesling: But what is on our, this says zoning amendment application, 500 Applegrove Street, NE and part of Out Lot 200. That's from the Planning Commission and that's minutes. And that's what's put on our application. Actually this public meeting it says Out Lot 200 and then in parentheses it says 500 Applegrove.

Mr. Snyder: Well the majority, if I recall when I viewed that subject property, there's very little frontage on Out Lot 200. The majority of it is the depth of the property. So if, and I assume that the applicant's looking for some type of professional office building to go on there.

Mrs. Kiesling: Correct.

Mr. Snyder: Which he would build to the back which is the open land. But he would need 500 for a driveway for ingress and egress to his office building.

Mrs. Kiesling: Correct.

Mr. Snyder: Is that, that probably be the reason why. Maybe they're not going to remove the structure. I have no idea but I would only think that's what they probably intend to do. Otherwise, most of 200 is in the rear and it's actually no frontage to Applegrove at all. A very small piece of 200 is on Applegrove, right there, and the majority of it is in the back portion.

Mr. Benekos: Yea, the majority of the lot. You have frontage....

Mr. Snyder: Yea, you do have a small, probably a 40 or 50 foot lot there that, well it would be 50, about 50 feet of it does front Applegrove, would be the ingress and egress.

Mrs. Kiesling: Actually it looks like...

Mr. Sarbach: 188.

Mr. Snyder: Oh is it...

Mrs. Kiesling: 191, right.

Mr. Snyder: Frontage?

Mrs. Kiesling: Yea, that's what it says on here.

Mr. Snyder: Well I must, I didn't realize it was that big.

Mrs. Kiesling: Yea, it's a 191.

Mr. Benekos: Yea, because it goes from there all the way over there.

Mr. Snyder: Well he doesn't really need the ...inaudible...building...inaudible...get in and out.

Mr. Benekos: But the problem is bringing access down to here...inaudible...we're looking at this parcel also. Make this distance wider for the access.

Mrs. Kiesling: Alright, at this time can I bring people up that want to speak against it? Against rezoning this parcel. Anybody?

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Mr. Zucal: My name is Tom Zucal and I live at 1110 Browning Avenue. That dead ends up against where I would be able to see that. And I know it's selfish on my point but that for fifteen years, I've been able to watch the deer walk across into that particular five acres there. So I'm against the zoning change. I would rather see it stay as it is. Because I think we're getting less and less green space already. Thank you.

Mrs. Kiesling: Thank you Mr. Zucal.

Mr. Mattocks: Sherman Mattocks, I live at 1031 Werstler Avenue. I'm south of this property. I believe there's an R-70 lot between myself and the end of this property. This property was just zoned Two-Family not more than six months ago, seven months ago. Not too far along back to get all the zoning correct out in that area, is my understanding. At that time, I didn't see anybody standing up saying why is not business at that time. It was fine to be R-2 at that time. I don't know why the change today. You have R-70 to the west, you have R-70 to the south. I don't think it's a place for business. I particularly don't want to see an asphalt lot with a lot of overhead lights one building lot from my backyard. I've lived in this town for forty-some years and it's always been a bedroom community and there's always been plenty of business area on Main Street. I don't know why we want to encroach on what building land is left of the R-70 lots. The next thing that will happen is you'll never sell the R-70 lot to the south or to the west because it's General Business beside it. I always thought that R-2 was a buffer for Business-2, R-2 to your larger lots for your better, your nicer, larger homes. Single family residence. Making this business would change that. The other thing I have real concern with, we're saying this is going to be a medical or some sort of an office building. That's fine, that's today. But ten years from now, fifteen years from now, once it's zoned General Business, it can be a restaurant, it can be a sports club. It can be a number of things all listed in General Business. So it's not just what is it today. It's what can it be in the future. And I definitely don't want a restaurant and a bar in my backyard. I'm definitely against it.

Mr. Snyder: Thank you sir.

Mr. Benekos: He mentioned the area was rezoned R-2F...

Mrs. Kiesling: Yes.

Mr. Benekos: ...that was not. Inaudible...to the east was zoned R-2F and this was zoned GB-A. Because those were unzoned...

Mrs. Kiesling: Right, because of the rezoning.

Mr. Benekos: ...but the parcel in question was not rezoned.

Mrs. Kiesling: It wasn't touched. That's what I thought. Ok.

Mr. Mattocks (*Speaking from Audience*): But is it not adjacent to the one that was just rezoned?

Mr. Benekos: Correct.

Mr. Mattocks: Thank you.

Mr. Benekos: It's adjacent to but it's not part of that.

Mr. Snyder: Mrs. Welsh?

Mrs. Welsh: Mariam Welsh, 800 Applegrove, NW. I'm against the rezoning, first of all because it's going to effect, obviously, the value of residential property around it. Secondly, because the R-2F zoning is a great buffer zone between business, whatever the GB-A, GB-B, and the R2-70's surrounding it, you don't, it's not good zoning to have business right next to R-2F. Then Mr. Snyder could you explain what happens with the voting? We've never had this before.

Mr. Snyder: You mean with our particular vote?

Mrs. Welsh: With, with the City Council. Once, when do you vote and how many times do you vote? And what...

Mr. Snyder: Yes mam, I may. Since you've been up here, we did as you know, change the zoning and we created quite a quagmire for ourselves because it's very difficult for us even. We changed June of, I believe, 2001. At present when something comes from the Planning Commission in a negative recommendation, it takes what's called a super majority. It takes six affirmative votes of the Council to overturn the Planning Commission's negative vote and move it along. A normal positive recommendation of Planning Commission takes four affirmative votes. If there was a zone change, by law, it does require a public hearing. It requires three readings of the Council and again I think there's another public hearing. Inaudible...two public hearings. So, this process that is now is a

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process that is normally has just been done. This is the first time since we changed the zoning. Normally what would have happened, it would have come from the Planning Commission as negative recommendation. It would be reviewed by Mrs., Chairman Kiesling's Committee and placed on the Council. And should it receive six affirmative votes, we would go through the process. If it wouldn't, it would die. However there is a new thing in the Zoning Code that permits an appeal to the Council if and it does affect the public hearing and at that point, depending what the Council so chooses to do, again if it votes 6-0 to send it along, it'll go along. If it votes anything less than that, again dies and then it's subject to the next appeal would be the Common Pleas Court, Stark County.

Mrs. Welsh (Speaking from Audience): When would be the vote?

Mrs. Kiesling: Next week.

Mr. Snyder: We will vote, it will come at Committee meeting tonight the first vote would be next Monday night.

Mrs. Welsh: Next Monday's Council meeting?

Mr. Snyder: Yes mam. And, you know, that's actually an up or down vote. Because depending which way it goes it could stop right there. Inaudible.

Mr. Sahadi: Mr. Snyder, Michael Sahadi, members of Council. As you're aware, I'm the one who's asking for this change in zoning. I passed out, Mr. Foltz, thank you, to each of you a picture of the map and also what the Bureau of Mining and Reclamation provided us. First of all, I'd like to reach out to those people who are opposed to the rezoning. I empathize with you. I understand how you feel about change. I've also had properties across the street from me that were wooded changed into a ballpark. And I didn't like it and it turned out to be a very nice project. However, there were certain promises that were made by members in Administration over a period of years that they were going to be doing certain things. Putting up privacy mounds that never occurred. It's something that I have to live with. However, I also want to remind Council, especially you Mr. Snyder, because we worked together on a project once before. We were made to exceed some of the rules or regulations, ok, when we put together the Mullinax store. In fact, the person who developed turned around and exceeded your expectations of what we needed to do. On how we landscaped it and how we developed it. We became very good neighbors with North Canton Medical Association. I'm bringing a very quality builder/developer to this project. His name is John Hershberger. John doesn't put his name on something unless he does it the right way. Council has a number of issues to look through here. One is, do we develop this into a commercial property because there are commercial properties up and down the same side of the street here and also across the street. In fact, I think, I don't know what the zoning is directly across the street but it's a little heavier than what I'm requesting. We have to further west, we have the Girl Scouts. They're good neighbors too. There's a very good building. Tomorrow morning the Girl Scouts, I don't know what the covenants are but if they decided to go some place else what's going to happen to that building? We all have that same dilemma. We have to make a choice today as to whether or not we're going to embrace more businesses, more diverse businesses within this community. Or do we go back to having more duplexes and things of this nature. Either way, the so-called woods over here, they're owned privately, they're not public ground, are going to be cut down and chipped, ok? And houses are going to go up there. Either duplexes where they're going to have 24-7 people coming and going or we're going to have an office/condominium type of project where we're going to have limited times when people come and go. It's not going to be and I hate to use the word K-Mart where we're going to have masses amounts of parking of so forth. We want to do it very tastefully and we want to have the opportunity of people owning their own property here. Not just one landlord. We want to have it so there's a variety of businesses come in. They're going to be small businesses. They're not going to be large businesses. Before we, before Mr. Hershberger spends any money we would like to have it rezoned. We already talked to the Bureau of Mining and if you look back on Page 3 here, most of the mining activity falls to the southwest of the property. It borders it but it does not come in contact. There is a slight sink hole in the back and that's one of things that the bureau said that once we clear some of these trees over there and they can get back there and drill that, they can determine whether or not there is any mining activity and we have to shore it up in some manner. But they will not work with us prior to us digging, I mean, if we start digging or doing anything, they refuse to work with us at that point in time. It's at our expense. Here they'll help us out. They've done drilling all up and down the street and determined where most of the mining activity has occurred. So we feel very confident that the initial building that we want put here for the dental clinic, for the dental clinic is going to be on pretty solid ground. By the way, this dental clinic is going to have three board certified dentists and about thirteen full-time employees which include hygienists and dental assistants. Not to mention the part-time or the clerical work that needs to go in here. So we're going to bring in some very good jobs which can bring in some more income to this City. We're not asking for abatements. We're doing this on our own. And again, I appreciate the concerns of everybody but I feel that it has come before Council again when we go to put the buildings up and it's going to be quite supervised. Just like the Mullinax property was very well supervised. And again, I don't want to bring somebody to the City that I don't feel is worthy.

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Mr. Hershberger has done a very good job. If you look up the street. He did a car wash and an interior design building up by Kame's. And that property now is being featured in a lot of magazines because of the combination of how the property is set up. And it doesn't look like a car wash. It blends very well within the community. Is there any questions or anything?

Mr. Lane: I have one, could I? It looks like you're going to end up with a cul-de-sac down there.

Mr. Sahadi: That's what it initially, but we're looking at is, we have to figure out how we're going to put those building in, fit them in. There's a property just to the west of us, the gentleman, I can't remember his name, came to me and offered that property. He was hoping we would get it rezoned because he would like to sell that property to us to make it a little bigger for us to come in. We haven't determined whether or not we need that property. We told him we'll put him on standby and see. We'd like to, to the east going towards the intersection, we're thinking about putting in about a five thousand square foot building. Maybe two of them right there. Right now we have one tentatively, he's waiting to find out whether or not we're going to get this property rezoned to lease it from us. Because it's like anything else, we have an alternate site to take the doctor unfortunately it's not North Canton. I'd like to keep them in North Canton because I have a vested interest in North Canton also. But that's where we want to spot the first building. Then come through, there's a white house that we're talking about razing and then going back, straight back, and then because the ground opens up back there to form somewhat of a cul-de-sac.

Mr. Lane: Well the reason I was asking is a lot of the concern is coming from the people to the south and the south and west and according to what I'm looking at, you're only going about half way down that property.

Mr. Sahadi: Most likely, yes.

Mr. Lane: Do you have any plans if all of this gets rezoned you've got fourteen different lots here that and they're all basically in the top half.

Mr. Sahadi: Right, well one of the things that you have to understand that one of things that we were looking here is that has fluctuated back and forth depending upon what gets rezoned and what doesn't get rezoned. If it doesn't get rezoned, we're walking away from the property.

Mr. Lane: Right.

Mr. Sahadi: Ok, if it does get rezoned, then we're going to get the engineers involved. And bare in mind there's going to be green space requirements. Again there's going to be lighting requirements that prohibit us from doing certain things. This is not going to be a loud business community. You know, we're not going to have speakers outside or anything from that standpoint.

Mr. Lane: It just seems like you're not going to impact much on the south and on the southwest.

Mr. Sahadi: No, again, there is a little, that's one of things that we have to determine getting back there. If there is any kind of sink hole activity, we want to stay away from that. So it is going to provide somewhat of a buffer.

Mr. Snyder: You know, Mr. Sahadi, if I may say so sir, you're right. When we worked on the Mullinax property, you were very cooperative of the City, both Engineering, Council and Planning. I think here's the big problem, you know, asking for a very invasive zone change from Residential to General Business-A opens quite a parameter of things can be built. And reading my own zone book here that we have, I would think that Office Business would be a little more practical for that. It's less invasive, it serves your particular need and begins to quiet the neighborhood and to what potentially can be there. And it's a permitted use in office business or office building. That's number one. I would suggest that I think I would go back and the other thing that I might suggest only for spending ten years on Planning and the last seven or eight years on Council, unfortunately the people that live there that own property as you and I both, your property is the most, the largest investment that normally a person has. And they're trying to protect it. They have no idea, you know, you because you do that for living you can visualize in your mind what you want to do and along with Mr. Hershberger and I'm sure it's ultimately is going to come out the way you want. But they have no idea what it's going to look like and possibly we may be just a little bit ahead of ourselves. Maybe a small rendering in a meeting with the people up there, they can see what you're doing and begin to quiet their fears of to what they're going to get. And I know we went down this road once before, we ended up in seven month thing and what turned out to be very small was very exaggerated. But again, I don't think we've learned from that and I don't think we have to go quite that extensively but I know, I know with Mrs. Welsh, we watched that property evolve from originally it was golf driving range to ...inaudible...the Girl Scouts and a little piece of a park. But, again, I think that's the problem. They just don't understand because that's their biggest fear. You're going to get something plunked in your yard. You open up your front door all the sudden from a deer you're into a 44 Mazda parked out there or something.

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Mr. Sahadi: Well, no I agree with you. What we're trying to do is make it a nice professional office park.

Mr. Snyder: Oh, there's no, I'm sure.

Mr. Sahadi: The reason why I asked for more extensive zoning is because there are some types of retail whether it's a dress maker or what have you. Obviously if they have ownership then they have to go by with what we're doing as far as a condo development would be for offices.

Mr. Snyder: But most of that is permitted or conditionally permitted in that zone change.

Mr. Sahadi: It's not going to be an auto lot.

Mr. Snyder: No, no no but I mean, like such as the Girl Scouts presently, that's in Park & Institution. They have a small retail which is permitted in there. They sell uniforms, they sell cookies. And I mean if you had a little dress maker is one thing but if you're all the sudden going to sell ladies suits or men suits in there, of course then I would be a little upset, but at that point it wouldn't be...

Mr. Sahadi: Would you like to buy a condo right there?

Mr. Snyder: ...that's, that's, they don't want quite that much retail. That was the purpose.

Mr. Sahadi: You're also talking limited hours here. We're not talking around the clock here. These people generally whether it's a real estate office, accounting firm, even an engineering office for somebody from that standpoint, it could be an appraisal company that would have it. The problem with North Canton is right now if you go up and down Main Street, I want to address the one gentleman's question here, you would have to raise one of those buildings and the price of the real estate on Main Street is quite expensive, number one. Number two is the width of the property. You're going to have to go out and buy more than one property and raze it to get the width and depth in order to put up a decent building. So now you're talking about \$750,000 by the time you get a building to a million dollars. I mean, it's not a cheap expenditure. And if we can hold the costs down and spread that land value over several buildings, ok, and allow people to come in and put their offices. If you look down the street, don't hold me to these numbers but I thought the insurance company down there is well over \$250,000 the agency what they put in, ok? And that's not a small building but it's a very expensive building considering the ground and so forth. So, again Council is faced with the dilemma we have to bring in more businesses. How do we bring it in economically for people? How do we bring, let the people that live in this community work in this community. I'm providing one solution to it. There's also another compromise that we can look at here, is take all the properties that abut it facing Applegate. I think there's two or three other properties and zone them all commercial too. If these people are all concerned at least they're going to get a commercial rate for that value on their property. I'm not in the real estate business but having it all zoned commercial, I think, would help them.

Mr. Sarbach: I think it's like a lot of fears that people have. Everybody wants reliable power but nobody wants a substation or power plant in their backyard. Everybody wants economic development in this City to counter some things that have been going on but nobody wants change in their backyard. It's a catch-22.

Mr. Sahadi: No, I can agree with you.

Mr. Sarbach: So we need to bite the bullet and at least explore all the options. And that's what we're doing now.

Mr. Foltz: Greg we can explore them but we have to protect the integrity of the neighborhood that's there. That's been zoned R-2F. Nothing's been developed west. I agree with the Planning Commission here, I don't think we need a zone change...inaudible.

Mrs. Kiesling: Anybody that wants to stay, we are going to speak about it on Committee here in about three or four minutes. It will be on my Committee tonight to actually speak about it amongst the seven of us.

ATTEST


FINANCE DIRECTOR


PRESIDENT OF COUNCIL